

NORTHERN AREA PLANNING COMMITTEE
6 September 2023

Application Number	M/23/00863/FUL		
Site Address	Land At (Os 7520 5934), Hollins Lane, Martley		
Description of Development	Development of 83 new dwellings, new access, open space, sustainable drainage and associated infrastructure.		
Case Officer	Lee Walton	Applicant	Lioncourt Homes (Development No.1) Limited
Parish	Martley CP	Agent	Ms Sian Griffiths
Ward Member(s)	Cllr B J Williams		
Reason for Referral to Committee	Major application/ departure from development plan/ Ward Member referral	Expiry Date	06 October 2023
Key Issues	<ul style="list-style-type: none"> • Principle of development • 5YHLS Position • Whether a suitable location • Character and Appearance • Highway Safety • Neighbour Amenity • Affordable Housing • Ecology • Drainage and Flooding • Planning Obligations • Concluding Remarks and the Planning Balance. 		
Recommendation	Delegate authority to the Director of Planning and Infrastructure to grant planning permission subject to conditions (below) and subject to the applicant entering into a S106 legal agreement to secure the requested contributions as set out in section 7.11 of this Committee Report.		

SITE DESCRIPTION AND DETAILS OF PROPOSAL

- 1.1. The application site is located south of the Martley recreational ground and to the south of the site, the land opens out into the adjacent agricultural land of which the application site itself is currently part.
- 1.2. The site's eastern boundary is aligned with the Martley development boundary and the residential built form that side. Martley is designated a Category 1 rural village. Settlements in this category usually have at least 4 key services and access to public transport.
- 1.3. The site is agricultural land in arable use and therefore acknowledged greenfield land. The applicant's Planning Statement says that the site comprises of approximately 4ha. of an irregular shaped piece of land. The parish notes it to be 3.9ha. The site is for the purposes of planning situated within the designated open countryside.
- 1.4. The land within the application site is in appearance mostly level but sloping gently from the site's south-west to the north-east corner, with the site contained by hedgerow boundaries on three sides and interspersed by some trees.

- 1.5. A public right of way (PRoW) ref: MT-703(C) abuts the site's south-eastern corner. Another PRoW footpath ref: MT-815(B) crosses the eastern side of the adjacent recreational ground linking to the application site.
- 1.6. Several cottages are positioned across the B4197 at the sites north-west corner, and a little further to the south beyond the burial ground, at the application site's south-west corner is located an employment location. The nearest listed buildings are the 2(no.) Grade II dwellings, identified as Longstone Cottage and The Jewry that are sufficiently apart not to be of direct relevance in considering the current application. Non-designated heritage assets are also shown to lay opposite from the application site, across the B4197.
- 1.7. The proposal seeks the construction of 83 new dwellings, having originally included 85 units, together with the provision of landscaping, SuDS and associated works. Vehicular access is to be taken from the B4197 approximately situated opposite the Burial Ground.

The application is supported by, including the following documents:

- Planning Statement
- Heritage Statement
- Health Impact Assessment
- Statement of Community Involvement
- Geoenviro Assessment
- Affordable Housing Statement
- Arboricultural Impact Assessment Report
- Energy Statement
- Residential Travel Plan
- Archaeological Desk Assessment
- Preliminary Ecological Appraisal Report
- Flood Risk Assessment
- Geophysical Survey Report,
- Transport Assessment
- Design and Access Statement
- Landscape and Visual Impact Assessment

Additionally,

- Biodiversity net gain
- Preliminary Ecology Appraisal June 2022
- Bat Activity Surveys Oct.2022
- Biodiversity Impact Assessment Net Gain July and Oct. 2022
- Arboricultural Impact Assessment Survey and Report July and Oct. 2022
- Energy Statement V2
- Transport Technical Note Nov.2022
- Transport Assessment Addendum
- Flood Risk Assessment Oct. 2022
- Design and Access Statement Addendum

2. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

2.1 The Development Plan

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

The development plan consists of the South Worcestershire Development Plan, the Waste Core Strategy for Worcestershire and the Martley, Knightwick and Doddenham Neighbourhood Plan (2018)

South Worcestershire Development Plan (SWDP)

Malvern, in partnership with Worcester City and Wychavon District Councils, adopted the SWDP in February 2016. The following policies are relevant to the application:

SWDP 1: Overarching Sustainable Development Principles
SWDP 2: Development Strategy and Settlement Hierarchy
SWDP 4: Moving Around South Worcestershire
SWDP 5: Green Infrastructure
SWDP 6: Historic Environment
SWDP 7: Infrastructure
SWDP 13: Effective Use of Land
SWDP 14: Market Housing Mix
SWDP 15: Meeting Affordable Housing Needs
SWDP 21: Design
SWDP 22: Biodiversity and Geodiversity
SWDP 24: Management of the Historic Environment
SWDP 25: Landscape Character
SWDP 26: Telecommunications and Broadband
SWDP 27: Renewable and Low Carbon Energy
SWDP 28: Management of Flood Risk
SWDP 29: Sustainable Drainage Systems
SWDP 30: Water Resources, Efficiency and Treatment
SWDP 31: Pollution and Land Instability
SWDP 33: Waste
SWDP 59: New Housing for Villages

Neighbourhood Plans and Supplementary Planning Guidance

Martley, Knightwick and Doddenham Neighbourhood Plan (2018)

- Policy MKD1: Landscape Design Principles
- Policy MKD3: Building Design Principles outside Martley Conservation Area
- Policy MKD4: Maintaining the Settlement Pattern in Martley, Knightwick and Doddenham
- Policy MKD6: New Housing Development Outside the Martley Development Boundary
- Policy MKD7: Housing Mix
- Policy MKD9: Providing Green Infrastructure to support Local Bio-diversity
- Policy MKD10: Promoting Health and Wellbeing
- Policy MKD12: Providing and Protecting Local Community and Leisure facilities
- Policy MKD15: Supporting New Communication Technologies

2.2 Government Policy

National Planning Policy Framework
Planning Practice Guidance

2.3 Other Material Planning Considerations

South Worcestershire Design Guide Supplementary Planning Document (March 2018)
Developer Contributions SPD July 2018
Water Management and Flooding SPD July 2018
Renewable and Low carbon Energy SPD July 2018
Planning for Health SPD Sept. 2017
Malvern Hills District Shop Front Design Guide March 2017
Affordable Housing SPD Oct. 2016
Joint Councils' formal position with respect to affordable housing and tariff style developer contributions (June 2019)
Worcestershire Local Transport Plan – Streetscape Design Guide
Malvern Hills District Council Playing Pitch and Outdoor Sports Strategy and Action Plan (December 2021) Final Version (Amended July 2022).

2.4 Relevant Legislation and regulations

Wildlife and Countryside Act 1981
Town and Country Planning Act 1990 (as amended)
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
Human Rights Act 1998
Section 17 of the Crime and Disorder Act 1998
Planning and Compulsory Purchase Act 2004
Natural Environment and Rural Communities (NERC) Act 2006
Planning Act 2008
The Conservation of Habitats and Species Regulations 2017
Community Infrastructure Levy Regulations 2010 (as amended)
Equality Act 2010
Flood and Water Management Act 2010
Localism Act 2011
Growth and Infrastructure Act 2013

3 Relevant Planning History

21/01304/SCR EIA Screening Opinion for the development of 85 new homes plus sustainable drainage, open space and associated infrastructure. Land At (Os7520 5934), Hollins Lane, Martley ADV 27 Jul2021

21/00734/PA Proposal for 85 new homes incorporating 40% affordable and 40% GI. Land at (OS 7520 5934), Hollins Lane, Martley, ADV 30 Jul 2021

21/01918/FUL Development of 83 new dwellings, new access, open space, sustainable drainage and associated infrastructure. Land at (Os7520 5934), Hollins Lane, Martley. Appeal pending against non-determination.

Pre-application Engagement

The applicant entered into pre-application discussion with Malvern Hills District Council prior to the submission of the previous planning application. Discussions were on-going in seeking revised details in response to the consultation responses. The same details are brought forward by the current application that otherwise involves the same proposal.

Public Consultation

The applicant's submission reports that in August 2021 a public consultation exercise was undertaken in Martley. The consultation was carried out to gather views primarily in terms of the design, layout and housing mix. This involved the distribution of leaflets to approximately 360 addresses in Martley, with an online virtual public consultation page to present additional details and facilitate a questionnaire. A total of 65 forms were filled out.

4. CONSULTATION RESPONSES

4.1. Martley Parish Council:

Objects. The Parish Council previously objected to this development 'on principle' because it sits outside the agreed development area. We remind MHDC that as the SWDPR remains outstanding, the parish has a Neighbourhood Plan which has recently been reviewed and notified to MHDC. We believe that in this case the Neighbourhood Plan should form a significant part of any decision made.

We note there are two new pedestrian links shown on the plan adjacent to the existing play area and skate park - are these new paths, and has permission been granted for these? We refer to the Playing Pitch and Outdoor Sports Strategy and Action Plan, finalised by MHDC in July 2022, which specifically addresses the need for improved play facilities in the village. The proposed development site is the only adjacent land to the current recreation field which could be used for increasing sports provision for the village/ surrounding areas.

In addition, the Council requests that should any permission be granted, a condition is included to provide a new footpath to join with Hollins Lane and provide a safe route to school.

4.2. MHDC Archaeology and Planning Advisor:

The proposed development area has been subject to a trench evaluation. No further archaeological investigations are required.

4.3. County Highways:

No objection subject to conditions and obligations. The internal estate roads will remain private and will be maintained by a management company. The site is allocated for new housing in the Preferred Options document for an indicative 71 dwellings (SWDP NEW 98). The Highway Authority notes that the proposals are identical to those submitted as part of ref: 21/01918/FUL.

The Highway Authority previously accepted the proposed visibility splays - 2.4m x 124m to the south and 2.4m x 134m to the north as shown on the Proposed Access Arrangements Drawing (ref: SK01 Rev C).

The Highway Authority has reviewed the Applicant's revised Proposed Access Arrangements (ref: SK01 Rev G) and notes that the Applicant does not propose any changes to the previously approved visibility splays. Likewise, as previously requested, the Applicant proposes:

- A 2m footway within the highway extents and client-controlled land; and
- Vegetation clearance to ensure visibility splays are to the appropriate standard for the recorded speeds of traffic along the B4197.

The Highway Authority previously requested that the existing footpath adjacent the B4197, that leads northwards into the village, be cleared of verge creep and detritus to help maintain a minimum usable width. The Highway Authority is pleased to note that the Applicant has identified this on the Proposed Access Arrangements (ref: SK01 Rev G).

The Developer shall employ a suitably qualified lighting engineer to provide an assessment of the highway lighting requirements in line with the WCC Street Lighting Design Guide (SLDG). This will be carried out based on a dark baseline (i.e., highway lighting should only be proposed if there is clear requirement to do so). The assessment shall not only cover the development but also the proposed junction with the B4197 and its approaches. As part of the requirements within the SLDG we would expect an ecological impact assessment to be

carried out by a qualified professional for any public or private lighting proposals. Should any public or private lighting be proposed as part of the scheme the developer must liaise with WCC's ecologist and the parish council regarding the proposals. Any subsequent lighting design for adoption by WCC must accord with the SLDG requirements.

The Highway Authority maintains that the indicated attenuation pond should be 'protected' to prevent pedestrian ingress. This would be secured via an appropriately worded planning condition.

The Highway Authority previously noted the provision for the safe parking of service vehicles accessing the proposed electrical substation. We noted that the building may interfere with visibility for vehicles leaving the adjacent residential drive.

The applicants' Internal Visibility Splay (ref: SK03 Rev E) shows the electrical substation relocated adjacent to plots 78 and 79 and provided with its own parking space. The Highway Authority is concerned that this parking space could be used by others, thus preventing access to the space for official maintenance use.

As such, the Highway Authority recommends that a condition be attached to any permission to ensure that service vehicles can park safely when accessing the substation. The designated parking spaces must be always available for use by maintenance vehicles.

The Highway Authority has reviewed the following swept path analyses:

- Estate Car (ref: SP01 Rev E)
- Refuse Vehicle (ref: SP03 Rev E)
- Swept Path Analysis (ref: SP04 Rev E)

These analyses show that fire tenders will be able to access within 45m of every dwelling as required by the Building Regulations Part B.

The applicant should note that all structures in the highway and within 4m of the adoptable highway will require WCC Structures Approval. This will apply to the gas tank shown on the proposed layout drawings.

The Applicant has confirmed that the internal road network will not be offered for adoption. Instead, it will be maintained by a management company. The Highway Authority, therefore, assume that the management company will make appropriate arrangements for the collection of refuse from the site with a private contractor.

In our December 2021 response, the Highway Authority raised concerns regarding pedestrian safety along the routes required to access these services. This is compounded by the rural nature of the location, making it likely that private car travel into the village would be the most appealing travel option. The Highway Authority notes that the Applicant intends to provide a footpath at the eastern extents of the proposed development which will provide a traffic-free link to the skatepark and further on to the Memorial Hall. This is welcomed and would be secured via an appropriately worded planning condition.

The site is currently served by limited bus provision and the Applicant does not intend to provide additional services. However, given the scale of the proposals and the low forecast additional demand for travel by bus during network peak periods for travel by bus generated, the Highway Authority considers that it would be challenging to successfully sustain a request for contributions to provide a new service (or significantly extend an existing service) on the basis that this is unlikely to be proportionate or reasonably related to the scale of the development proposed.

Due to the distance from the development to the bus stops and the distances to key services, notably Acute Hospitals, there is a case to introduce a Community Transport service. This would be required to serve the new development to cater for the needs of elderly and disabled residents, in line with Council's obligations under the 1985 Transport Act, the 2010

Equalities Act, and the Worcestershire County Council Passenger Transport Strategy 2019-2030.

The Highway Authority requested a contribution of £13,608 based on the calculated costs of the service at HMRC approved reimbursement rates. The Applicant has agreed to provide the community transport contribution.

The Highway Authority previously noted that:

- Applicant proposes to provide 212 car parking spaces in accordance with the standards as set out in the Streetscape Design Guide.
- As shown on the Parking Plan (ref: MAMF-PL-009), car parking has been provided with dimensions of 3.2m x 6m, with garages at 6m x 3m.
- It should be noted that one of the spaces for some units (No. 2, 18, 19, 20, 24, 25, 27, 60, 61, 63, 64, 66, 75, 78, 79) are proposed to be provided in laybys opposite the unit, which will be conveyed to the associated units. The Highway Authority notes that, from experience, this often results in difficulties for residents in ensuring that parking remains available for their dwelling. This is due to the appearance that layby parking is available for all (e.g., visitors). This would likely result in indiscriminate on-street parking. The Highway Authority recommends that a planning condition be attached to any permission granted to ensure these spaces are clearly designated for the sole use of the associated residential unit.
- Previously a small number of perpendicular spaces with dimensions of 2.8m x 6m with 0.9m circulation space were noted. The spaces parking courtyard have dimensions of 2.8m x 5m which is acceptable in a parking courtyard.
- The TA notes that Mode 3 or 4 electric vehicle charging points will be provided for all dwellings where car parking spaces are adjacent to the corresponding dwelling. If spaces are located remotely from their dwelling and/ or not adjacent to driveways, the Applicant proposes that suitable infrastructure will be provided to ensure that a rapid charge bollard can be provided in due course, as demand dictates. The Highway Authority has reviewed the Car Charging Plan (ref: MAMF-PL-011 Rev B) and is content with this.

The Highway Authority has reviewed the following plans which are also acceptable:

- Parking and Cycle Storage Plan (ref: MAMF-PL-009 Rev A).
- Car Charging Plan (ref: MAMF-PL-011 Rev A).

The Highway Authority will secure the minimum required dimensions of the proposed parking spaces through an appropriately worded condition.

The Applicant intends to provide visitor car parking on-street. The Highway Authority is content with this.

The Highway Authority is content that the Applicant has obtained the most recent five-year collision data from WCC and that no further assessment is required.

The Residential Travel Plan (TP) proposes that a Travel Information Pack (TIP) will be prepared in line with Guidelines for Producing Travel Information Packs and will be distributed to all households, subject to its' prior approval by WCC.

A baseline travel survey will be undertaken within six months of first occupation of the site. WCC provide that a TP should aim to reduce commuter car trips by 11-21%. This target reduction will be applied to the results of the baseline travel survey once it has been undertaken.

The Travel Plan and Welcome Pack must be sent to WCC for approval prior to issuing to residents. Personalised Travel Planning (PTP) must be offered to all dwellings and for

residents who want to participate in PTP, the Travel Plan Coordinator must help them plan their regular journeys by sustainable modes of travel. This should be carried out face to face unless the resident specifically requests that it be carried out by zoom/skype or telephone. Incentives must be provided to residents who participate in PTP to support a chosen mode of sustainable travel e.g., a voucher bike servicing/ accessories or taster tickets for bus/ rail travel. This should be to the minimum value of £50 per dwelling. The Travel Plan, Welcome Pack and PTP would be secured by appropriately worded planning conditions.

Alternatively, there is an option for the Developer to pay the County Council £220 per dwelling for WCC to deliver the Welcome Pack, PTP and monitoring. Should the Developer opt for this, they will not be required to produce a Travel Plan, only to state their choice for us to deliver the Travel Plan. As such, the Developer would not be committed to achieving the targets that would be set out in their Travel Plan for reducing single occupancy car use.

The Developer shall employ a suitably qualified lighting engineer to provide an assessment of highway lighting requirements in line with the WCC Street Lighting Design Guide (SLDG). This should be carried out based on a dark baseline (i.e., highway lighting should only be proposed if there is clear requirement to include it). The assessment shall not only cover the development itself but also the proposed junction with the B4197 and its approaches. As part of the requirements within the SLDG we would expect an ecological impact assessment to be carried out by a qualified professional for any public or private lighting proposals.

Should any public or private lighting be proposed the applicant must liaise with WCC's ecologist and the parish council regarding their proposals. Any subsequent lighting design for adoption by WCC must comply with the requirements of the SLDG.

No details have been provided in respect of the construction stage of the development. A Construction Environmental Management Plan, setting out the proposed hours of operation, routing, access proposals and site details will form a condition on any successful planning consent.

The proposed development will have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. Herefordshire and Worcestershire ICB would therefore expect these impacts to be fully assessed and mitigated. As such, the Applicant would be required to provide a **£58,000** contribution towards the provision of additional primary healthcare services to mitigate the impacts arising from the development.

4.4. **WCC Education**

A development of this type is likely to attract young families that will have an impact on related schools and early years providers. The area of Malvern where the proposed development is sited is within the catchment area of Martley CE Primary, and The Chantry schools. Related schools are usually schools that are located within a two-mile safe walking route that offer education for children who are eight years or younger, schools that are located within a three-mile safe walking route that offer education for children who are eight years or older⁵. There is not a safe walking route away from Martley to other schools within the EPA, consequently there are no other related schools to the proposed development.

The pupil yields are calculated based on the total number of proposed dwellings on site, which will be eighty-three. The calculation of the contributions required is based on liable dwellings only – affordable rent and social rent dwellings are treated as exempt; however, only one-bedroom dwellings are exempt from forecasted pupil generation. The full breakdown of the dwelling tenure show there are to be twenty-four Social Rented dwellings and nine Shared Ownership dwellings. Therefore, twenty-four houses will be made exempt from contributions.

Early Years

The Local Authority has a statutory duty to secure, as far as is reasonably possible, sufficient places for children aged 2, 3 and 4 to claim their entitlement to funded nursery education. In addition, the Local Authority should secure sufficient childcare for working parents.

Early Years settings comprise a mix of providers including school-based nurseries, playgroups, private nurseries and childminders, and families have the right to obtain their funded hours entitlement at any early years setting across the county; therefore, the market is based entirely on parental choice with very little input from Worcestershire Children First in the distribution of children across settings. Instead of using Education Planning Areas as in mainstream education, wards are used as the smallest divisible segments of the county in which Early Years provision can be analysed. This approach is consistent with that used by other Local Authorities across the country.

The proposed development is located within the ward of Martley and forecast to yield ten children who may need funded childcare places at an early-years setting. Updated sufficiency figures for 2022 show there is a sufficient level of funded childcare places within the ward, and five other neighbouring wards. Therefore, a contribution towards early years provision will not be sought.

Martley CE Primary has a Published Admission Number (PAN) of twenty. Four out of seven year groups are over capacity (Reception, Year 3, Year 5 and Year 6, with Year 2 nearing capacity). Any current surplus places are expected to be reduced once extant approved developments have been built out, which will leave Year 1 and Year 4 with limited spaces to accommodate children from the proposed development. Additional primary school pupil numbers from the proposed development are forecasted to be 5 new pupils per year group which will further increase the deficit at Martley CE Primary. This situation is forecast to continue to at least 2026, therefore a primary school contribution will be required.

Over the past seven years, between three and thirteen pupils per year group attending Martley CE Primary live outside the catchment area, with some coming from out of the County. However, even with pushing back out-of-catchment children, there are still insufficient places available for the pupils expected from this development.

Martley Primary has insufficient space within the boundary of the site to expand, therefore, instead of an education contribution, a contribution towards school transport will be required where pupils from the development cannot be accommodated within the Primary School.

The Chantry is a popular Secondary School in Martley. Currently, 4 year groups are over capacity, with Year 10 the only year group containing available places. The school is forecast to remain near to or at capacity until at least 2026.

Over the past seven years, between forty-nine and sixty-six pupils per year group attending The Chantry live outside the catchment area, with an average of seven to eight pupils attending from out of the County. Therefore, the potential to push future applicants for Year 7 places who live outside the catchment area back to their catchment secondary school would be enough to allow for pupils from the proposed development to attend The Chantry. Therefore, no secondary education contribution will be required from this development, but a school transport contribution will be required for where pupils from the development cannot be accommodated in the older year groups at the school which are already at or over capacity.

An assessment has also been carried out regarding the requirement for SEND (Special Educational Needs and Disabilities) contribution. Section 315 of the Education Act 1996 requires that arrangements for children with SEND be kept under review.

As per the Education Obligations Policy, where the impact of a development on educational infrastructure is such that it can be shown that there will be a requirement for additional provision for children with SEND, either within existing mainstream or specialist schools, or in the creation of a new school, a contribution for special needs and disability provision will be sought.

This is based on the average percentage of pupils in Worcestershire with an Education Health Care Plan requiring Specialist provision over the last 5 years, which is 3%.

Any requirements for a contribution through S106 or CIL will be assessed and calculated on a case-by-case basis. A contribution directly required for SEND provision will not be sought on any developments of less than 50 dwellings.

As the proposed development does meet the threshold of fifty (50) liable dwellings there will be a SEND contribution required for this application.

Total Contributions Required

Education Phase	Contribution Required
Early Years	£0
First School	School Transport Contribution
High School and Sixth Form	School Transport Contribution
SEND	£210,140
Total Contribution	£210,140

The contribution rate is applicable from 1st April 2023 to 31st March 2024. If a planning decision is not reached within the current financial year it may be necessary to review the level of charges.

Financial contributions will be subject to indexation and interest on overdue payments. The calculation of indexation and interest will be set out in the legal agreement.

Contributions are to be paid on or before occupation of one third of dwellings, unless agreed otherwise.

4.5. **MHDC Plan Policy**

The site is located outside of the Development Boundary for Martley and for current planning policy, is considered to lie in open countryside. None of the exceptions to SWDP2 apply so the principle of development is not normally supported.

The Post Office Lane, Kempsey Appeal decision acknowledges that the Council does not have a 5YHLS.

The proposed site is an allocation in the emerging SWDPR. The SWDPR is due to be submitted for examination by the end of summer 2023 but does still carry some weight in its current stage. Although sites in the draft allocation run contrary to the adopted development plan, the draft SWDPR may constitute a sufficiently important material consideration for granting permission in advance of the SWDPR's adoption.

The case officer should, in exercising their planning judgement, the current policies within the SWDP, the emerging policies and allocations of the SWDPR, and consider whether the proposal is premature given the status of these policies and the requirement for sustainable development in light of the tilted balance.

4.6. **MHDC Historic Conservation**

No objection from a conservation perspective. There will be no impact on the setting of the closest heritage assets there is no objection from a conservation perspective

The proposal site is situated adjacent to the Berrow Green Road and Hollins Lane, two of the main roads leading into the Martley Conservation Area. The Conservation Area is for the purposes of the NPPF a designated heritage asset.

The site is situated approximately 144m from The Jewry (grade II listed) and 161m from Longstone Cottage (grade II listed). Also of note are Rose Cottage and Row End, two historic

buildings situated approximately 10m from the proposal site. Whilst these buildings are not listed, they have the potential to be non-designated heritage assets.

Views between the Jewry and the site are largely obscured by modern development on Jury Lane. Surviving views are across the Martley Playing Fields and Park and open area of recreation ground to the north of the site.

It is likely that there would be interconnecting views between the proposal site and the proposed dwellings. However, the immediate setting of the heritage asset is protected by the intervening recreation grounds. There is 'no objection' to the principle of the proposal.

4.7. MHDC Landscape Officer

1. There are currently open views from the recreation ground to the open countryside beyond to its boundaries. Development of this site would mean the loss of a significant proportion of these views. Southerly views from the recreation ground would be impacted negatively, views of houses, rather than fields.
2. The suburban edge is currently set back from the northerly part of the well-used public right of way (PRoW) to the south of the site. Views of existing development are filtered by trees growing along the outer edge of the settlement. Development, as proposed, would bring development considerably closer to the PRoW, and potentially obstruct views of the low ridge towards the north-north-east.
3. Further south on the above-mentioned PRoW, the site would be viewed very much in the context of the existing developed edge of Martley and in the context of relatively new development to the north of The Crown public house i.e., the significance of the visual impact would be lessened.
4. There are glimpsed views only on the approach towards the site along Hollins Lane. The site is also set at a lower level than the road and the landform drops away slightly when moving from south to north. The slight drop in land levels could potentially reduce the visual impact of development on this site from this perspective. The impact could be lessened still further if building height was limited throughout the south-eastern portion of the site.
5. Views on the approach towards Martley and the site along the B4197 are very limited, until relatively close to the site. Views of development of the site from in the vicinity of the industrial estate for instance would be read very much in the context of the industrial estate, the buildings that stand next to and to the east of the road, and development set back from the road to the north-east.
6. Probably the most significant change, in terms of visual impact, would be when viewing the site from immediately to its west on the B4197. Views are of open fields with other development set far back from the road. While not immediately addressing the road, the proposed layout would mean houses relatively close to the road. This would affect the character of this part of the road.
7. I would suggest that if the building materials for all of the outward facing properties (west, south, and south-east) were of muted tones and that white soffits, facias, door, and window frames were avoided, this would serve to lessen the visual impact of the proposed development. This comment, made regarding the previous application for this site, has not been fully addressed (see materials MAMF-PL-003revision C).
8. The proposed layout proposes an access point along the western boundary of the site. The required levels of visibility at this point would mean the loss of a significant proportion of the hedgerow running along the site frontage.

9. The proposed layout includes an access point along the western boundary of the site. The creation of the associated visibility splays would, as shown on plan reference CTP-20-240_SK01G, would necessitate the removal of the majority of hedgerow along the site frontage. The current speed limit past the site frontage is 40 mph. the dimensions of the visibility splays relate to "85th percentile speeds of 45.2mph" i.e., the measured speeds are faster than the speed limit. I would suggest however, that speeds past the site could be reduced if the speed limit were reduced to 30mph. Reduced speeds would mean that the dimensions of the visibility splays could be reduced and therefore more hedgerow retained.
10. If at some stage, planning permission were to be considered acceptable, I would suggest that it should be subject to the submission and, once approved, compliance with an acceptable arboricultural method statement.
11. If at some stage, planning permission were to be considered acceptable, I suggest that it should be subject to a condition expressly stating that no construction works should take place until an onsite meeting has taken place between the site manager (who would be overseeing construction works, the council's landscape officer and the developer's appointed arboriculturalist. This is to ensure that the requirements of the approved tree protection plan and arboricultural method statement are clearly understood by those actually implementing the development.
12. If at some stage, planning permission were to be considered acceptable, I would suggest that it should be subject to the submission and, once approved, implementation of an acceptable landscaping scheme. I would suggest that compliance with that scheme should extend to 10 years.
13. If at some stage, planning permission were to be considered acceptable, I would suggest that it should be subject to the submission and, once approved, implementation of an acceptable landscape planting specification. This must also include full details of those trees to be planted in SuDS tree pits.
14. If at some stage, planning permission were to be considered acceptable, I would suggest that it should be subject to the submission and, once approved, implementation of an acceptable landscape maintenance schedule, covering the first 15 years of the site's life. The condition should reflect the length of time the document covers i.e., extend to 15 years.
15. If planning permission is considered appropriate, I would suggest that it should be subject to a condition requiring that a register is kept of all landscape aftercare/maintenance visits/site attendance for the first five years following the implementation of the approved landscaping scheme. This can then be requested by the local planning authority (LPA) periodically and required to be provided to the LPA within 1 month of that request. This is to ensure that the "public" spaces continue to be maintained to the approved standards.
16. If planning permission is considered appropriate, I would suggest that it should be conditioned that specified water points are provided throughout the site (to be shown on a plan), to which landscape operatives can attach a standpipe in order to water all new planting in "public" spaces. Irrigation is essential if new planting is to become successfully established.
17. If planning permission is considered appropriate, I would suggest that it should be subject to a condition requiring that, prior to any planting occurring in "public" spaces, a meeting must take place between the construction site manager, the council's landscape officer and the landscape company employed to implement the approved landscaping scheme. This is to ensure that all those employed to implement the landscaping scheme, planting specification and maintenance schedule are fully conversant with their contents and that they will be appropriately implemented.

18. If planning permission were to be considered acceptable, and a welcome pack is required for new residents, I would suggest that reference should be made to the landscaped parts of the site within any welcome pack created. The pack should, in the first instance, draw the residents' attention to the landscaped areas, explain who they are managed by and the standard to which they will be maintained. The document should contain a simplified version of the landscape maintenance scheme that would form part of any planning consent, detailing the specific things that the management company would do in terms of maintenance, such as frequency of watering. Contact numbers for the management company should also be provided. This would help new residents take ownership of their open spaces, and hopefully ensure that their management is undertaken as it should be.

4.8. MHDC Urban Design Officer

I previously made comments on this scheme (planning application no. 21/01918/FUL) in July 2022 when it was submitted following a major reworking of the layout recommended by my urban design colleague, Jo Bounds. Following my urban design response/ comments, the applicant made further amendments to the scheme that successfully addressed the points I had raised and an amended scheme was duly submitted. There were no further urban design comments following amendments made to the scheme at the time as I felt the points I raised had been successfully addressed. The recent planning application (M/23/00863) does not differ significantly (if at all) from the final layout of 21/01918/FUL and therefore I have no further urban design comments to make.

4.9. S.W. Land Drainage Partnership

The extent of these proposals (10+ dwellings) classifies this as a major development planning application. SWLDP is only in a position to comment on matters that may affect existing ordinary watercourses on or adjacent the site of which there seem to be none. Statutory consultation is required with the Lead Local Flood Authority, Worcestershire County Council regarding the on-site Drainage Strategy proposals submitted by the Applicant. Reference should be made to the last comments dated 14th October 2022 that I made in response to the previous application, 21/01918/FUL. The proposed off-site drainage route is a lengthy one and concerns remain with respect to the practicality of implementation and future maintenance of this infrastructure, so a drainage condition that a pre-commencement condition is recommended.

4.10. WCC Lead Local Flood Authority

The LLFA have reviewed the submitted information relating to surface water drainage only; South Worcestershire Land Drainage Partnership will provide comments in relation to flood risk.

This is a new subsequent application to 21/01918/FUL. I understand the drainage strategy (HLEF81428 - Berrow Green Road, Martley FRA R v4 20221007) submitted in this application was the latest drainage strategy for 21/01918/FUL. The comments and conditions submitted on behalf of the LLFA by Fiona McIntosh dated 26/10/2022 for 21/01918/FUL still apply and are as follows:

“The latest version of the FRA (Version 4) indicates that storm water for the site will be drained via a network of swales, bioretention areas and gravity-fed sewers into an attenuation pond, with an outfall into an ordinary watercourse 800m to the East of the site. The appendices include details of the easement to implement this. This solution is clearly not simple but is preferred to the earlier proposal of pumping storm water into the roadside ditch network.

I note that the supporting information states the site has a current Qbar discharge rate of 1.8l/s, however this has been calculated based upon a site area of 1.8ha. As a 3.9ha site, I have calculated the rate at 6.8l/s. On this basis, the proposed discharge rate of 4l/s is

accepted. I would welcome a copy of the .MDX file for the site drainage as part of a future condition.

I am pleased to see a water quality assessment using the Simple Index Approach. In order to further enhance the SuDS for biodiversity, I would suggest that it is deepened slightly (around 300mm) to provide a permanent depth of water in the base. As per the plan, the pond should not have uniform slopes or edges, to mimic a natural pond as much as possible. I would also ask that the drainage strategy (appendix H) includes the volume of the SuDS pond for clarity. Finally, I would like to request that the swales and bioretention areas mentioned in the FRA are clearly marked on the drainage strategy, with dimensions also included.

The FRA suggests the storm water network will be adopted by Severn Trent and/or a management company, and a suggested maintenance regime has been provided. A future discharge of conditions application should include confirmation that STW will adopt the drainage, in particular the route from the site to the outfall.

I have no objections to the latest proposals for this site, subject to the following condition being included on your decision notice, in order to ensure satisfactory drainage of the site and no increase in flood risk.

4.11. Severn Trent Water Ltd: I can confirm that we have no objections to the proposals subject to the inclusion of a condition to secure drainage plans for the disposal of foul and surface water flows.

4.12. Worcestershire Regulatory Services (contaminated land)

WRS has reviewed available documents and records in respect of potential contaminated land (PCL) issues at the above application site.

Due to the agricultural history of the site and sensitivity of the proposed development, WRS recommend the following condition wording is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed. **Recommendation:** Condition - Reporting of Unexpected Contamination.

4.13. Worcestershire Regulatory Services (Nuisance)

Noise: No objection to the application in terms of road nor commercial noise.

Construction Phase Nuisance: The applicant should submit a Construction Environmental Management Plan (CEMP) detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust emissions during the construction phase for approval.

4.14. MHDC Housing

Strategic Housing Market Assessment (SHMA) (2021 update) – Indicates a minimum net imbalance of 331 affordable dwellings each year over the next five years across the Malvern Hills District.

Housing For You (Housing Register) – As at 11/07/2023 the Housing For You data shows that there are 1,336 households registered with a banding which indicates that they have a local connection to the Malvern Hills District. These households have the following bedroom need:

1 bed – 684
2 bed – 383
3 bed – 211
4 bed – 53
5 bed – 5

As the site is located in a rural area, the Council's Rural Lettings Policy would apply when allocating affordable housing for rent. Priority would be given to households with a local connection to the parish of Martley in the first instance, followed by those households with a local connection to one of the surrounding parishes/ grouped parishes (Doddenham, Knightwick, Broadwas, Wichenford and Kenswick, Little Witley, Great Witley and Hillhampton, Shelsley Beauchamp and Shelsley Walsh and Shelsley Kings and Clifton upon Teme).

As at 11/07/23, Housing For You data showed that there are 9 households registered with a current address in the parish of Martley. These households have the following bedroom need:

- 1 bed – 4 households
- 2 bed – 4 households
- 3 bed – 1 household

There are a further 14 households registered with a current address in one of the surrounding parishes/grouped parishes. These households have the following bedroom need:

- 1 bed – 3 households
- 2 bed – 8 households
- 3 bed – 3 households

The above may be an under representation of housing need as it is not possible from our current reporting system to establish how many households have a local connection to the parish/surrounding parishes through employment or close family links.

The Application for Planning Permission states that the total proposed residential units will be 83 and the affordable housing mix will comprise of 33 units. In terms of the affordable housing provision, the application proposes the following mix:

Social Rent units (24 homes)

- 4 x 1B2P maisonettes
- 2 x 1B2P houses
- 2 X 1B2P bungalows
- 2 x 2B3P bungalows
- 7 x 2B4P houses
- 6 x 3B5P houses
- 1 x 4B6P house

First Homes (9 homes)

- 6 x 2B houses (including 2 x 2B4P houses and 4 x 2B3P houses)
- 3 x 3B4P houses

The council's document titled 'formal position with respect to affordable housing and tariff style developer contributions following the publication of National Planning Policy Framework 2021' states that on sites of 15 or more dwellings, on greenfield land, 40% of the units should be affordable and provided on site. This application proposes 39.8% on-site affordable housing provision which Housing Officers are supportive of, with a financial contribution towards the provision of affordable housing for 0.2 of a dwelling. This can be calculated by the Council's Planning Policy team in accordance with the calculation set out in the Affordable Housing Supplementary Planning Document.

Housing Officers are supportive of the affordable housing tenure split as proposed which is 9 units (equating to 27.3% of the affordable housing provision) to be delivered as First Homes and the remaining 24 affordable housing units delivered as Social Rent (equating to 72.7%).

Housing Officers are supportive of the proposed affordable housing.

4.15. MHDC Community Infrastructure

The South Worcestershire Development Plan (SWDP) ensures that new developments set out high quality formal and informal recreational opportunities and makes a contribution towards enhancing sporting and community facilities to encourage healthy lifestyles. Furthermore, the South Worcestershire Developer Contributions Supplementary Planning Document (July 2018) confirms the basis with which both on-site and/or off-site contributions will be sought against all developments within the district. Further information on the policies underpinning Community Services response and the details of how the Council manages developer contributions relating to open space can be found at www.malvern hills.gov.uk

Strategic Evidence

Paragraph 96 of the NPPF states: Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

The existing South Worcestershire Playing Pitch Strategy (PPS) and South Worcestershire Open Space Strategy (OSA), along with the emerging South Worcestershire Playing Pitch and Outdoor Sports Strategy (PPOSS) and Built Sports Facility Strategy (BSF) have been completed in accordance with Sport England's Guidance: Assessing Needs and Opportunities Guide for Indoor and Outdoor Sports Facilities (ANOG) and the PPG17 companion guidance 'assessing the needs and opportunities'. These strategies ensure the evidence is sound, robust and up-to-date for the purposes of assessing the needs for playing pitches, open spaces and built facilities in accordance with National Planning Policy Framework.

This response confirms the council's position and the level of developer contributions required as permitted within SWDP policies

SWDP39	Provision for Green Space and Outdoor Community Uses in New Development
SWDP37	Built Community Facilities
Additional Policies	Additional contributions that are felt necessary to make the development acceptable i.e. SWDP7: Infrastructure and SWDP9: Creating and Sustaining Vibrant Centres

Observations and Assessment

It is noted that:

- The site layout plan is similar (if not the same) as the final site layout plan provided within application 21/01918/FUL.
- As stated within that application, whilst 40% green infrastructure will be provided, the applicant still makes no reference to how the development will mitigate its impact through supporting the provision of built community facilities as per SWDP 37 or the other open space typologies as outlined with SWDP 39.
- The applicant also makes no reference to how the green infrastructure will be managed and maintained in perpetuity.

The strategic evidence for the Martley Ward, as outlined within Appendix 2, demonstrates that for the local infrastructure to accommodate an increased population, investment is required to enhance existing provision and/or to provide new provision within the catchment of this development. Including, but not limited to: -

- Allotment space, park and recreation grounds and play provision for both children and youths. All of which are currently assessed to have a shortfall in supply within the ward.

- Martley village hall has a shortfall of a multi-functional space to accommodate meetings, social events and low impact physical activities by new users and user groups.
- Formal pitches within the Tenbury Wells and the North analysis area, with which Martley resides, is showing that football pitches, cricket pitches and rugby pitches are already either at capacity or have a shortfall in capacity and so unable to accommodate additional users unless investment is made.
- Investment is required to increase pitch quality, which in term will support an increase in carrying capacity to accommodate additional users and to enhance the existing on-site ancillary facilities

Given the lack of formal on-site provision, its proximity to existing provision and the attached conclusions that there is a clear need to provide new or enhance existing open space, sport and recreation provision which the development will be directly related. An off-site public open space contribution is deemed both appropriate and necessary as quantified below.

Section 106 Public Open Space Developer Contribution

Based on a development of 51 dwellings, an off-site Section 106 public open space contribution will be required as following:

Typology	Total
Amenity and Semi-natural greenspace	£ 4,408.00
Equipped Play Space	£ 6,479.95
Cemetery	£ -
Civic Space	£ 1,102.00
allotment	£ 308.28
land acquisition	£ 8,419.85
Commuted Maintenance Sum	£ 189,323.00
Formal pitches	£ 11,020.95
Built Facilities (SFC)	£ 44,572.00
	*£265,634.03

**In line with the Developer Contributions SPD (2018), one and two bed dwellings make a reduced contribution, paying 50% and 75% of the dwellings total tariff, and affordable housing units are exempt from paying a POS tariff. The delivery of any of the above typologies on-site would also see a reduction in the level of off-site contribution required. Accordingly, and subject to planning approval, the final developer contribution would be varied in line with the above factors.*

To enable this development to mitigate the impact it has on formal and informal local infrastructure and strategic sites. It is necessary for the off-site public open space developer's contribution to support the delivery of local and strategic improvement projects. The contribution should be secured through the provisions of a Section 106 Agreement.

The contributions stated above are considered acceptable in terms of meeting the NPPF tests set out in paragraph 204 of the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 as amended, those being necessary to make the development acceptable in planning terms; directly related to the development, and fairly and reasonably related in scale and kind to the development.

Received 23 August 2023 (summarised) - Further to my formal response (above). I have undertaken a further review of the local requirements and opportunities to be read alongside my original response. I can confirm that the strategic evidence remains valid and underpins a very real local need for new and improved public open space and community facility provision to support the growing Martley community.

However, whilst I recommended the need for an off-site contribution because of the lack of on-site formal open space provision. My subsequent review draws me to the conclusion that whilst investing in the enhancement of existing facilities would support growth in the short

term. The long-term requirement is to provide new provision through the expansion of the current playing fields.

On assessing the constraints to the existing playing fields, I note that the B4197 wraps around the northern and western boundary and residential dwellings off Jury Lane run alongside the eastern boundary. Accordingly, the only opportunity to expand the public open space provision is to the south within the proposed development.

I would therefore encourage consideration to be given to the allocation and transfer of land in the northern portion of the development area to the local parish Council, in return for a reduced Section 106 off-site developers contribution. The transfer of land will then provide the parish Council with the ability to provide new formal pitches, play areas and allotment space. I would propose that the area of land that would be required, should at least be sufficient to provide an FA compliant full size football pitch at 100m x 64m, plus 2m run off zones around the pitch.

4.16. Herefordshire and Worcestershire CCG

The development could generate approximately 200 residents and subsequently increase demand upon existing services. The development would have an impact on primary healthcare provision in the area and the proposed development must therefore, in order to be considered under the 'presumption in favour of sustainable development' advocated in the National Planning Policy Framework, provide appropriate levels of mitigation.

The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.

The intention of Herefordshire and Worcestershire ICB is to promote Primary Healthcare Hubs with coordinated mixed professionals. This is encapsulated in the strategy document: The NHS Five Year Forward View and the Fuller Stocktake Report: Next Steps for Integrating Primary Care.

The development would give rise to a need for improvements to capacity, in line with emerging ICB estates strategy, by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities.

This housing development falls within the boundary of a practice which is a member of the Droitwich and Ombersley and The Rurals Primary Care Network (PCN) and, as such, a number of services for these patients may be provided elsewhere within the PCN. The ICB would therefore wish to secure the funding for the Droitwich and Ombersley and The Rurals PCN for the patients within this vicinity.

The table below provides the Capital Cost Calculation of additional primary healthcare services relating to the development proposal.

Primary Care Network	Additional Population Growth (83 dwellings)¹	Floorspace required to meet growth (m²)²	Capital require to creat additional floor sp (€)³
Droitwich and Ombersley and The Rurals PCN	200	13.2	52,800

Notes:

1. Calculated using an average household size of 2.4 taken from the 2021 Census: Rooms, bedrooms and central heating, local authorities in England and Wales (rounded to the nearest whole number)
2. Based on 120m² per 1750 patients (this is an optimal list size for a single GP). Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
3. Based on standard m² cost multiplier for primary healthcare in the Midlands and East from the BCIS Public Sector Q3 2015 price and cost Index, adjusted for professional fees, fit out and contingencies budget (£4,000/m²).

A developer contribution will be required to mitigate the impacts of this proposal. Herefordshire and Worcestershire ICB calculates the level of contribution required in this instance directly relating to the number of dwellings to be **£52,800**. Payment should be made before the development commences.

4.17. Worcestershire CC (Public Health)

I have reviewed the Health Impact Assessment. Plans includes sustainable open space, links to existing play areas and Chantry high school. The development provides walking routes to Martley. Although the HIA covers many of the points within the SDP there is no specific reference to environments for the elderly or those living with dementia. There is no mention of new community facilities or that access to sufficient healthcare provision, the HIA only references links to existing spaces and 'facilities' but does not specify details of if these are healthcare or sufficient to cover the increased population. The company who completed the HIA added the following conclusion: The conclusion of this assessment is that the development would have a positive impact overall upon existing and future residents. As such, the proposal is aligned to the relevant objectives set out in the SWDP and National Planning Policy Framework.

4.18. Hereford and Worcester Fire Rescue Service (HWFRS)

Fire Service Vehicle access to the new dwellings should comply with the requirements of ADB 2019 Vol. 1 B5, section 13 and Table 13.1. In particular, there should be Fire Service vehicle access for a Fire Appliance to within 45 metres of all points inside all of the new dwellings. Access roads to new dwellings should be in accordance with ADB 2019 Vol. 1 Table 13.1. Water for firefighting purposes should be provided in accordance with: ADB 2019 Vol. 1 B5 or National guidance document on the provision of water for fire-fighting. The above matters should be assessed through the Consultation process with Local Authority or Approved Inspector Building Control bodies to ensure that the requirements of the Building Regulations (2010) are satisfied and matters that may need to be addressed, under the Fire Safety Order (2005), once buildings are occupied.

4.19. MHDC Ecology

The application is supported by a Preliminary Ecological Appraisal (PEA) survey report, dated October 2021, a Bat Activity Survey report dated October 2022, a Biodiversity Impact Assessment for Net Gain report dated October 2022 and accompanying excel spreadsheet all produced by Brindle and Green ecological consultants.

The site comprises an area of arable land bordered by native species-rich hedgerows in varying condition along the eastern, western boundaries and northern boundaries. Two mature pedunculate oak are present in the centre of the field. The proposal includes retention of the oak trees and the majority of hedgerow, but the creation of visibility splays will necessitate the removal of most of the hedgerow along the site frontage.

The Biodiversity Net Gain (BNG) assessment shows the proposals have potential to deliver a gain in habitats post development.

Protected species:

No major ecological constraints were identified, with limited potential for various species at the field margins. Low levels of bat activity by more common species were recorded and the trees were assessed to have low potential as bat roost sites.

Reasonable avoidance measures/precautionary working methods are recommended in the report for a range of protected species including breeding birds (particularly during hedge removal), reptiles, hedgehog and badger. Recommendations for avoiding impacts of lighting on bats are made for both construction and post construction period.

However, I have the following concerns. The baseline survey is now over two years old. Conditions may have changed on site changing its suitability for various protected species. It is understood though, that the site remains an arable field, so it is unlikely that there will be any major changes. The bat survey report which was undertaken in July-August 2022 did not mention any changes in habitat, but it is not known if habitats were specifically assessed.

The PEA and Bat report make minimal enhancement recommendations specifically for protected species comprising eight integrated bat boxes and four bird boxes on retained trees. This is insufficient for a development of 83 dwelling and open space. There are far more opportunities for integrated bird and bat boxes, invertebrate boxes, habitat piles etc. It is expected that a finalised Ecological Design strategy will deliver substantially more enhancement features for protected species.

If permission is granted, it is therefore recommended there should be pre-commencement conditions for a Biodiversity CEMP and an Ecological Design Strategy that are informed by updated ecological surveys.

A condition to control for lighting of biodiversity features is also recommended.

Habitats and Biodiversity Net Gain

Submission of a BNG calculation and report is welcome. The Biodiversity Metric 3.1 Calculation Tool has been used to demonstrate BNG on site. The calculations show the proposals can result in a 30.65% uplift in habitat units post development and 91.94% in hedgerow units.

Unfortunately, these figures are an over-estimate. The entirety of the development site lies within the Malvern Chase Laughterne Valley Biodiversity Delivery (Biodiversity Action Plan (worcestershire.gov.uk)) and as such the Strategic Significance multiplier in the spreadsheet needs to be changed to area 'Formally identified in Local Strategy'. This will have the effect of reducing the overall gain on site. However, given the currently high figures, it should still be possible a substantial on-site gain can be demonstrated.

The BNG calculation does not reflect up-to-date information. As previously mentioned, the survey data is now over two years old and there may have been changes to habitats. The landscaping plans have not been finalised, so the BNG assessment might not accurately affect the post-development landscaping. Additionally, the calculation was carried out using the 3.1 Calculation Tool, this has now been superseded by the 4.0 metric.

Given there is every indication that BNG can be delivered on site, it is recommended that should permission be granted conditions are included to secure an updated BNG assessment that is informed by updated surveys and that the BNG in turn informs the landscaping scheme and its long-term management.

5. REPRESENTATIONS

Following Neighbour Notification there have been 11 responses received that object to the proposed development. Their concerns include:

- We do not need or want these homes in our village.
- Where they want to put these houses is not in keeping with our village
- The area they want to use regularly floods in the lower corner.

- The fact they want to put them on grade 2 agricultural land, how can that be right.
- The infrastructure will not support the amount of houses,
- The development for houses on the Sandylands site and houses on the Crown pub.
- Better if these houses were built nearer a town thus lessening pollution
- The flooding needs to be addressed the sewage system need to be modernised
- The road system needs up grading.
- The schools need to be made much larger
- Our one little shop/post office needs a friend that's if the incomers even use the shop.
- The lanes cannot accommodate - especially since most of them will have to find their way to work via the motorways.
- Static water sits on this land for weeks during wet weather
- The addition of 170 plus vehicles will create more problems
- This proposed development conflicts with the existing South Worcestershire Development Plan and the local Neighbourhood Plan.
- Once again a village is being swallowed up with greenfield developments
- The development at this scale is not needed as there is not the local demand to support so much housing. The proposed development is located on
- The 'Economic benefits' report provided by the developers is seriously flawed as it does not consider that a significant proportion of the claimed economic benefits will simply be migrated from other areas nearby.
- Recently the Government has advised that it is the intended policy is to develop brown field and urban sites more actively and to avoid 'The concreting over of the countryside'.
- The development is not complimentary to any local employment opportunities, meaning most residents will need to commute to access employment opportunities and indeed for shopping and other amenities resulting in additional car journeys.
- Removal or moved hedgerows will be detrimental to the biodiversity.
- The pathway ends part way up Hollins Lane and there is no footpath on Church Road. Not
- enough space cars and pedestrians.
- I am concerned about Road Safety in the village.
- Martley is 7 miles away from any town in any direction. We do not have a Supermarket, local pub, sufficient healthcare, or entertainment.
- The view of the village from Hollins Lane will be spoilt.
- A large housing estate has been passed for the village.

6. Applicant's Comments

Lioncourt Homes have worked tirelessly with officers - including urban design officers - to deliver numerous amendments to the initially submitted plans. The result is a high-quality residential development in accordance with the Martley Neighbourhood Development Plan and South Worcestershire's Design Guide. The layout and block structures have irregular patterns and are organic in nature, reflecting the general character of the area and local policy guidance. The central green open space creates a strong sense of place and retains views through the site. As part of the green infrastructure, there is a network of sustainable drainage systems and vast amounts of new tree planting creating bio-diversity opportunities, landscape enhancements and a sustainable place to live. The dwellings and boundary treatments have been designed to feature materials and architectural details that complement the local vernacular including:

- A coherent palette of materials featuring a mixture of red brick, cream render, waney edge timber boarding and slate like tiles
- Clipped eaves and mortared verges with projecting brick dentil and stretcher courses
- A combination of traditional chimney breasts and ridge mounted chimneys
- Curved gable ends
- Brick plinths and brick mullions between windows
- Attractive window treatments including arched brick lintels, square stone lintels and chamfered stone cills

- Lowered eaves with dormer windows and continuous sloping roofs with dormer windows
- Various porch designs featuring curved a-frames, timber posts, waney edge timber and boarding
- A mixture of stone walls, metal estate railings and low-level hedgerow

The scheme will be a non-gas, all electric development. As part of current Building Regulations, gas is permitted on new developments up until 2025. Lioncourt Homes is proud to be moving away from fossil fuels as a source of heating and towards low-carbon and renewable technology in advance of the Building Regulations updates required from 2025. The scheme incorporates air source heat pumps as well as recycling heat from wastewater which will generate a carbon reduction and reduction in energy demand by 45% when compared against the current 2021 Building Regulations.

The development also exceeds local and national biodiversity net gain policy. The development provides a 31% gain in habitat gain and 92% increase in hedgerow units, set against the national target of 10%.

A total of 83 homes, including 33 (40%) affordable homes, will be created as part of this development. This does exceed the indicative figure associated with the proposed allocation, however this figure is not a cap, and the development meets all density and garden size requirements. We acknowledge that the appeal decision for another site in Martley means that it will take more growth than initially planned, but there would be no harm associated with this increase. The proposals have been supported by evidence to demonstrate this and it has been reviewed by statutory consultees and there are no objections. There is an enormous need for new housing and this development provides an excellent opportunity to help meet this need, on a site which an emerging allocation and is within walking distance from services and facilities.

7. OFFICER APPRAISAL

7.1 Principle of the Development

- 7.1.1 Policy SWDP1 sets out the LPA's broad approach to development proposals. Policies SWDP2 (Development Strategy and Settlement Hierarchy) and SWDP59 (New Housing for Villages) capture the basic, unalterable nature of the development proposal that is the erection of 'market' houses.
- 7.1.2 Part B of SWDP2 says that 'windfall' development proposals will be assessed in accordance with [a] settlement hierarchy'. Part B also identifies Martley as a category 1 village, where Table 2 considers Category 1, 2 and 3 villages collectively regarding to role and policy implementation. Martley is recognised a rural, rather than urban area (Table 2). The text within table 2 says: These villages provide varying ranges of local services and facilities. However, the larger settlements generally tend to provide the greatest range. Their role is predominantly aimed at meeting locally identified housing and employment needs. They are, therefore, suited to accommodate market and affordable housing needs.... Directly related policies include: SWDP12 and 16 together with allocation policy SWDP59. Infill development within (*my emphasis*) the defined development boundaries is acceptable in principle subject to the more detailed plan policies.
- 7.1.3 Part C of SWDP2 says the following: The open countryside is defined as land beyond any development boundary. In the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers (see policy SWDP19), employment development in rural areas (see SWDP12), rural exception sites (see SWDP16), buildings for agriculture and forestry, replacement dwellings (see SWDP 18), house extensions, replacement buildings and renewable energy projects (see policy SWDP27) and development specifically permitted by other SWDP policies. None of which directly apply in this case, although the site is included in the emerging SWDP Review, with some weight attached to this.

7.1.4 Part B of policy SWDP59 says: In addition to part A which refers to housing allocations in villages, housing proposals in all villages will be permitted where they comply with SWDP2 B and fall into one or more of the following categories:

- i Located on land within defined development boundaries, as identified on the Policies Map, where they comply with relevant other Plan policies;
- ii Local initiatives including Neighbourhood Plans, Community Right to Build Orders and Neighbourhood Development Orders;
- iii Rural Exception Sites (see SWDP16).

7.1.5 Also relevant is Part F of policy SWDP2: Development proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character (see SWDP 25), location and the availability of infrastructure.

7.1.6. The proposal involves open market housing that supports the policy requirement to secure a percentage of affordable homes.

7.1.7. Taking the above into account, it is a matter of fact that the proposed development would be contrary to adopted policy SWDP2 and the sustainable development strategy that underpins the Plan. Further, the Martley, Knightwick, and Doddenham Neighbourhood Plan (Jan. 2018) Policy MKD6: New Housing Development Outside the Martley Development Boundary accords with SWDP2 in seeking to limit new housing development outside the development boundary. They represent policies that seek to manage sustainable housing within the countryside. They are consistent with the Framework objectives.

7.2 Five Year Housing Land Supply (5YHLS)

7.2.1. The current position with respect to housing supply and delivery is an important factor when determining whether policies for the locational strategy and provision of housing (i.e. SWDP2) are to be considered out of date and consequently whether Paragraph 11d of the NPPF (the so called 'tilted balance') is to be engaged in the determination of an application for housing. Footnote 8 to Paragraph 11 of the NPPF is clear that where a Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites, or where the Housing Delivery Test (HDT) indicates that the delivery of housing has been substantially below (less than 75% of) the housing requirement over the previous three years, policies for the provision of housing are to be considered out of date.

7.2.2 Insofar as past delivery is concerned, the latest HDT results for England (April 2021) were published by the MHCLG in January 2022. This sets out a Plan-wide figure for South Worcestershire confirming delivery at 155%; well above the 75% threshold. This means that there are no consequences for decision-taking in South Worcestershire as a result of housing delivery.

7.2.3 As the SWDP is now more than five years old, the NPPF at Paragraph 74 requires the 5YHLS calculation to be based on the output of the Standard Method calculation as opposed to the adopted SWDP annual housing requirement.

7.2.4 The South Worcestershire Councils (SWCs) reviewed their 5 Year Housing Land Supply position for 2022. In the light of recent appeal decisions, the SWCs are now proposing to adopt an individual district approach for the 5 Year Housing Land Supply calculation. In respect of Malvern Hills in a recent planning appeal decision dated 14 August 2023 (ref: APP/J1860/W/22/3313440), Land At (OS 8579 4905), south of Post Office Lane, Kempsey, the Planning Inspector determined that the Council were unable to demonstrate a 5YHLS. The inspector concluded that the Malvern Hills District Council could demonstrate only around a 3.7 year supply of housing land.

7.2.5 The NPPF at paragraph 11d says that for decision-taking Local Planning Authorities should accord with the presumption in favour of sustainable development meaning:

“Approving development proposals that accord with an up-to-date development plan without delay; and where there are no relevant policies or the policies which are most important for determining the application are out of date, granting permission unless:

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

7.2.6 Paragraph 74 requires that LPAs authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, or against their local housing need where the strategic policies are more than five years old.

7.2.7 Paragraph 75 confirms that a five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement.

7.2.8 Malvern Hills District Council cannot currently demonstrate a five year housing land supply. Consequently, paragraph 11d is engaged and planning permission should be granted unless either of sub-paragraphs i or ii are relevant. This means that the so called 'tilted balance' is in effect when weighing the planning balance of the proposal. However, paragraph 12 of the NPPF does state that *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.”*

7.3 Whether a Suitable Location:

7.3.1. Policy SWDP4(A) states that proposals must demonstrate that the location of development will minimise demand for travel and offer genuinely sustainable travel choices. Further to this, the Framework states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking or cycling.

7.3.2. The application site lays adjacent to, but outside of the Development Boundary identified for Martley, and is therefore within the open countryside as defined by the development plan.

7.3.3. In terms of the site's location to local services and facilities, occupants of the proposed homes would be approximately 800m distant from the secondary and 950m from the primary schools. The village store and post office, the bus stop locations that lay nearby, and the garage and petrol station would be approximately 650m distant. Pedestrian access can be had via the public rights of way and while Hollins Lane is narrow and without the benefit of a footway the arrangement would be considered an acceptable access route.

7.3.4. Unfortunately access via Hastings Close has not proven possible, which undoubtedly would have been a beneficial opportunity to have supported increased permeability between the village and the proposed development.

7.3.5. As is noted above, the South Worcestershire Development Plan Annex D (Policy SWDP2B) defines Martley as a Category 1 Settlement. As such, the settlement is viewed to be a sustainable location in which to support local housing need. Scale (Part F of SWDP2) is evidently an important consideration, as is the site's situation regarding its accessibility to what local services and facilities are located within the settlement. The secondary and primary schools in this case are furthest removed from the site.

7.3.6. The SWDP Review proposes 72 dwellings for the application site that is identified as a preferred option and given the SWDP review is currently at its Regulation 19 stage

increased weight can be given to the site's development. The local community observe that the number of units are fewer than what is proposed. The applicant is not prepared to reduce their number. The actual figure proposed by the SWDP review should not be treated to represent a maximum and in considering the planning merits it is evident that the 83 units that are proposed are considered to represent an acceptable response.

- 7.3.7. It is understood that the local community seek to better centralise development that would be nearest the school locations. Notwithstanding, there are no current plans established for this.

7.4 Character and Appearance:

- 7.4.1. Policy SWDP25 relates to the consideration of landscape character. In particular, it requires proposals to demonstrate that they are appropriate to and integrate with the character of the landscape setting. Policy SWDP2 B iii states that development policy should "Safeguard and (wherever possible) enhance the open countryside". Neighbourhood Plan policies MKD1 and MKD4 are also considered as applicable. Policy MKD1 requires that attention be given in considering planning applications to (among other matters) the visual impact particularly on identified significant views.
- 7.4.2. Policy SWDP21 seeks to permit development where the layout, scale, massing, density, materials and design of the proposal respect the character and quality of the area. The issue of design is addressed in section 12 of the NPPF (2021). In particular, paragraph 126 sets out that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve.
- 7.4.3. Further to this, paragraph 130 advises that decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In addition, full weight is given to the principles of the Design Guide Supplementary Planning Document in the determination of a planning application.
- 7.4.4. The planning officer accepts the applicant's conclusion in considering the significant view points, set out in the Neighbourhood Development Plan (NDP) that while there would be some change to the views that are identified in the NDP, their key defining principles would be retained. As such, the development would accord with Policy MKD1 by being sited and designed in a way so as not to create any substantial harm to the identified significant views.
- 7.4.5. SWDP5 requires the provision of 40% Green Infrastructure (GI) on sites over 1ha. The site provides 40% GI with pedestrian links via the recreation ground and on to Hollins Lane in seeking to encourage permeability in and around the site, seeking to be attractive to the wider population that better integrates the site with the wider settlement area. As part of the GI the proposals have retained the two large mature trees around which the built form has sought to relate.
- 7.4.6. The amended scheme proposes a reduction in the number of dwellings as was originally proposed, from 85 to 83. This would achieve approximately 35.5 dwellings/ha (SWDP13) being considered an acceptable density given the broader planning considerations that are accommodated on site. While local concerns are noted regarding the higher figure being more appropriate to the suburbs of local towns in this case each application is to be considered on its own individual planning merit. What remains important is the overall appearance and the detailed response that is brought forward.
- 7.4.7. The council's Landscape Officer's response is given in full, above, within the consultations section of the Officer Report. They generally are supportive of the proposals although comment regarding the building materials to reflect muted tones. It should be observed that the white soffits, fascia and bargeboards have been removed and replaced with a clipped eaves and verge. The windows and canopies will be cream and is shown on the submitted

materials plan. The proposals also have the support of the council's Urban Design Officers among others

- 7.4.8. The quantum of development is therefore considered as reasonable. The proposal makes for an efficient use of the land (SWDP13).
- 7.4.9. The Row and Rose Cottage are identified as non-designated heritage assets. They sit immediately west of the application site and with the former schoolhouse their setting would be affected by the proposed development. In this case, whilst there would be some harm to The Row and Rose Cottage, due to development within their proximity, the harm is considered to be limited and would be minimised by the landscaping response to come forward being secured be a planning condition.
- 7.4.10. The wider landscape area is located within the Landscape Character Assessment of Principle Timbered Farmland, which is characterised as being: "A small to medium-scale wooded, agricultural landscape characterised by filtered views through densely scattered hedgerow trees. This is a complex, in places intimate, landscape of irregularly shaped woodlands, winding lanes and frequent wayside dwellings and farmsteads. It is a landscape of great interest and exception, yet also one of balance."
- 7.4.11. The Principal Timbered Farmlands are a mosaic of agricultural land cleared directly from woodland, on a piecemeal basis, together with land enclosed from former localised areas of open fields, resulting in the dispersed pattern of farmsteads and wayside cottages and lack of strong settlement nuclei. The key element of these landscapes is the strong unifying presence of tree cover in the guise of woodlands, hedgerow trees, and linear tree cover. In the Principal Timbered Farmlands, the pattern of hedgerows is also important, not only in providing the basic fabric for the hedgerow tree populations, but also in emphasising scale and enclosure.
- 7.4.12. In this case, the presence of new dwellings on the scale suggested remains contained within the same open field area that would be enclosed by hedgerows. The opportunity to landscape and reinforce the pattern of hedgerow is brought forward by the proposal. Seen from the nearby high ground it is inevitable that the presence of the new built form would be present in the view, although such distance and the adjacent built form and the recreation grounds combine to better assimilate the development when seen in context.
- 7.4.13. As such, the proposals in terms of character and appearance are considered to be policy compliant.

7.5 Access and Highway Safety

- 7.5.1. Policy SWDP21 states that vehicular traffic from development should be able to access the highway safely and the road network should have the capacity to accommodate the type and volume of traffic from the development. Further, Policy SWDP4 (Moving Around South Worcestershire) Part A, amongst others says: Proposals must demonstrate that they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives.
- 7.5.2. The Highways Authority was consulted in considering the application and their latest response is given in full above within the consultations section of the Officer report. This confirms that they have no objection on highway grounds.
- 7.5.3. The vehicular and pedestrian access point is taken from the B4197. The Highway response confirms that the vehicular/ pedestrian visibility splays can be provided on land within the ownership of the applicant or within the public highway.
- 7.5.4. The visibility splays on to the main road result in the removal of the existing hedgerow on

either side of the access point. At most a short stretch at the northern side would be unaffected. It is inevitable that the visibility for safety reasons must be the priority. County Highways do not seek to reduce the speed limit because of the proposed changes.

7.5.5. In considering the loss of the roadside hedgerow the Landscape Officer response has queried whether the speed limit might be reduced to help retain more of the hedgerow. Further enquiry with the applicant had them issued a Transport Technical Note (Nov. 2022) that considers this.

7.5.6. Under 1.12 that document it says: In relation to the potential to reduce the speed limit to 30mph, simply reducing, or indeed raising a speed limit, does not have a significant impact on driver behaviour. Vehicle speeds are dictated by the geometry of the road, particularly the road width, frontage activity and forward visibility. Reducing average speeds by circa 10mph would not be possible without a significant degree of traffic calming and road engineering measures. The applicant considers that simply repositioning the speed limit signs would have a negligible impact on speeds, since speeds are largely dictated by road layouts and parameters, which the planning officer would agree with.

7.5.7. The local community is concerned about local highway issues in terms of travel and more specifically, highway issues within the village and the increased traffic movements being experienced without highway improvements. This is in part the result of development elsewhere, where motorists pass through Martley. However, County Highways does not seek to raise objection in terms of the application that is before us. Their response inevitably attracts great weight.

7.5.8. In considering safe Access and pedestrian highway safety, with the support of the Highway Authority the proposal would be considered policy compliant. The applicant has suggested that they are happy to work with highways to agree the location for the informal crossing.

7.6 Neighbour Amenity:

7.6.1. Policy SWDP21 is relevant in that it requires that development has no significant adverse effect on the amenities of neighbouring properties. In particular development should provide an adequate level of internal and external space, privacy, outlook, sunlight and daylight, and should not be unduly overlooking or overbearing. The impact of new development upon neighbouring amenity is set out in paragraph 130 of the Framework which sets out that planning should seek to secure a high standard of amenity for existing and future users.

7.6.2. In addition, the South Worcestershire SPD Design Guide, adopted in March 2018 offers useful guidance on residential amenity. In particular, a minimum distance of 5m per storey between windows and adjoining private shared boundaries is recommended to ensure adequate amenity and privacy. In addition, it is considered that there should be a distance of 20m between the opposing elevations of dwellings which contain main habitable room windows (which are generally front and rear facing), and an outside amenity space of 20m² per bedroom which the proposal provides for.

7.6.3. Overall, the proposed development is not considered to result in an unacceptable impact on the amenity of the neighbouring occupiers and would result in a suitable level of amenity for future occupiers and would therefore comply with policy SWDP21 and guidance in the Framework.

7.7 Affordable Housing:

7.7.1. Policy SWDP15 (Meeting Affordable Housing Needs) sets out the thresholds and amount of affordable housing that proposals should include to be policy compliant. The policy seeks on-site provision of affordable housing on schemes of 5 or more dwellings. On sites of 15 or more dwellings, on greenfield land, 40% of the units should be affordable and provided on site.

7.7.2. The applicant's submission sets out the affordable housing requirement. In response the council's Housing Officer's response has sought changes that have come forward. The Housing Officer's response is given in full above, within the consultation section of the officer report. This supports the proposals, being policy compliant that would see 24 Social Rented homes come forward comprising 8x 1 bed homes, 9 x 2 bed homes, 6x 3 bed homes, 1x 4 bed home. In addition, there would be 9 First Homes. Given that 40% equates to 33.2 homes, an off-site contribution of 0.2 would need to be made to secure the overall percentage of affordable housing to be policy compliant.

7.7.3. The calculation used is set out below, used to arrive at the 0.2 contribution requested by Housing towards local affordable housing provision, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site.

- a. Land cost per unit = £15,000
- b. Build cost per unit = £102,700¹
- c. 10% on-costs per unit = 10% of (b)

Total cost per unit: £127,970

Reduce by 50% to allow for RP contribution = £63,985 per unit
20% contribution = £12,797 per dwelling

¹ Based on typical 2 bed 4 person affordable dwelling, i.e. £1300 per sq m x 79 sqm

An off-site financial affordable housing contribution representing 0.2 of £12,797 = **£2,559**.

7.7.4. The affordable housing would help to meet some of the local and wider district housing needs. Significant weight should be given to the contribution this development would make towards meeting a district wide need for affordable housing.

7.7.5. The weight to be attributed to the provision of housing – viewed in the context of paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of homes – is significant.

7.8 Ecology:

7.8.1. Policy SWDP22 seeks to protect wider biodiversity. Where a proposed development is likely to affect species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulation 1994, or the Badgers Act 1992, an up to date protected Species Survey and Assessment should be submitted with the application. In addition, paragraph 180 of the Framework (2021) sets out measures for protecting and enhancing the natural environment. The Martley NDP Policy MKD9 - Providing Green Infrastructure to support Local Biodiversity Ecological enhancements, is also relevant.

7.8.2. The initial Preliminary Ecology Appraisal (Oct.2021) was supported by subsequent ecological survey work and the following information submitted including a Biodiversity Impact Assessment for Net Gain (July 2022), Protected Species Report: Bat Activity Surveys (Oct. 2022), Biodiversity Net Gain and Biodiversity metric calculation tool, and a revised Preliminary Ecological Appraisal (June 2022).

7.8.3. The application site contains habitats from low (arable field) to medium (the trees and hedgerows) distinctiveness. The hedgerow enclosing the site's western boundary would be lost and replaced to provide for the highway visibility splays. A small section of the hedgerow within the north-west corner, approximately 11 metres would remain and become part of the realigned hedgerow.

7.8.4. Additional hedgerow supporting standard trees is proposed along the site's southern boundary.

- 7.8.5. Existing habitats within the application boundary were scored as 8.32 'habitat units'. The scheme calculated to hold 10.87 'habitat units', if developed as per the proposed plan. The proposals are anticipated would result in a gain of 2.55 habitat units (30.65%).
- 7.8.6. The scheme involves the loss of arable habitat with the opportunity for the creation of neutral grassland to see more than a 30% habitat net gain post construction, integrating higher value botanical habitats benefiting local biodiversity.
- 7.8.7. To secure the proposed habitats and the proposed target conditions long term, a Landscape and Ecological Management Plan (LEMP) is proposed to be attached to any resulting planning permission in seeking to secure the habitat establishment.
- 7.8.8. The bat activity surveys revealed the site was infrequently used for foraging and commuting. Activity at the western boundary, where the hedgerow would be realigned was considered generally low, with on average fewer than 60 passes by common pipistrelle bat recorded per night, and fewer than 10 passes per night by other species. These results are considered attributable to a low number of individual bats foraging and commuting. Results do not indicate that the western hedgerow acts as an important commuting feature. There would be potential indirect disturbance by light pollution upon local bat populations. Planning conditions can be attached to seek to control light levels within the public realm.
- 7.8.9. Of the bat species recorded the common and soprano pipistrelle and noctule are common in the county. A single myotis bat was recorded during the survey. As a result, the site is unlikely to be an important habitat for this species. The land adjacent to Playing Fields, Martley has been assessed to hold "Site" value for foraging and commuting bats (Wray *et al*, 2010), as it was not deemed a core habitat for bat species.
- 7.8.10. The current landscaping proposals indicate the creation of areas of wet and meadow grassland, with a high number of proposed trees and native hedgerows suited to bats. Recommendations include integrated bat boxes, such as Schwegler 1F Bat tubes or similar should be installed within the fabric of eight of the new buildings during construction. These features should be positioned on a southern elevation, over a height of 5 metres, ideally close to the eaves of the new builds. The flight line to the boxes should be unobstructed by vegetation or other structures. A planning condition can be attached to any planning permission to secure such provision.
- 7.8.11. The level of biodiversity net gain set out is noted, although habitats created on site would very probably be subject to considerable recreational pressure and may suffer as a result of this and concomitant effects on habitat management. The proposals also provide for a 94% increase in hedgerows notwithstanding the loss of a mature hedgerow at the roadside whose realignment must inevitably take more time in recovering. Nonetheless, provided that appropriate steps are taken as mentioned in the documents to mitigate for ecological impacts and prevent pollution during construction, it should be concluded that there would not be any overriding ecological reason to oppose the development.
- 7.8.12. Given the above and with appropriate planning conditions in place to secure various enhancements to be brought forward the proposal is considered policy compliant in terms of its biodiversity.

7.9 Drainage and Flooding

- 7.9.1. Development should wherever possible, incorporate sustainable drainage systems to help retain water at or near its source, helping to prevent flooding, recharging groundwater resources, treating water pollution and enhancing the environment. Policy SWDP29 requires all development proposals to demonstrate that site drainage and run-off will be managed in a sustainable and co-ordinated way.
- 7.9.2. A flood risk assessment was submitted in support of the application. Notwithstanding that

the site lies within Flood Zone 1 additional information was subsequently submitted in response to the consultee responses that are set out above within the consultations section of the Officer report, and such local concerns with the site that were raised.

- 7.9.3. Relevant consultees have been given a fair and reasonable opportunity at the planning application stage to formally raise concerns with respect to the proposed development and have sought conditions in response and to which great weight would be attached.
- 7.9.3. In conclusion the relevant consultees have proposed planning conditions that would be attached to any subsequent planning permission. The Parish Council interest is noted. Among others, they note that water floods Hollins Lane up to the junction with Church Lane.
- 7.9.4. The Parish Council interest is noted. Among others, they note that water floods Hollins Lane up to the junction with Church Lane. However, given the above, then the drainage associated with the proposal would be unlikely to cause unacceptable pollution.
- 7.9.5. The basis of the technical responses received would lay with the requested planning conditions. The support or lack of objection, with relevant planning conditions in place, would be considered capable of addressing the immediate concerns related to the site's development. Ultimately, a proposed development is not expected to improve matters off site, but to essentially not make matters any worse. With the support of the proposed planning conditions the proposal in planning terms would be considered as policy compliant.

7.10 Other Matters:

- 7.10.1 Policy SWDP27 aims for new houses to incorporate at least 10% of predicted energy requirements by renewable or low carbon energy unless it cannot be demonstrated that it would make the development unviable. The accompanying Energy Statement indicates a 'fabric first' approach, designed to avoid thermal bridging, reduce air leakage and employ passive and active design measures. The measures are considered would secure a saving of 7237 kgCO₂ per annum, reducing energy demand by 44157 kWh/year. To meet the SWDP requirement for 10% energy from renewable or low carbon sources, Showersave Waste Water Head Recovery are also proposed to be installed. Overall, the development would achieve at least a 16.5% carbon reduction over a development simply complying with the CO₂ targets in the latest revision of the Building Regulations. As such this would be policy compliant.
- 7.10.2. Loss of Agricultural Land: The applicant's submission observes that there is no survey data available surrounding Martley to confirm whether or not BMV land exists. However, there is predictive data that shows that all of the land surrounding Martley is BMV. As such, it should be concluded that there's an impact on at least some BMV.
- 7.10.3. The NPPF (para.171b) advises that economic and other benefits should be taken into account. Where significant development of agricultural land is necessary local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 7.10.4. While there is no definition of what constitutes 'significant development' in the NPPF. In the context of Martley the proposed development would be significant both in terms of the number of dwellings and the possible amount of agricultural land loss which would be required to make way for development. The loss of this best and most versatile agricultural land appears is not justified and the proposal is considered contrary to para.171b of the NPPF.
- 7.10.5. Notwithstanding the above as tenuous as the argument might be regarding the grading, such loss of BMV land should not be seen as justification for an automatic rejection of offending proposals. Rather it should be a consideration weighing against the development in the exercising of the overall 'planning balance'.

- 7.10.6. The SWDP Review includes the application site within the Preferred Options document – emerging allocation (SWDP NEW 98/CFS0120) for an indicative housing figure of 71 dwellings. It is now at Regulation 19 stage while policies are still subject to change and therefore the policies would carry minimal weight as a material consideration.
- 7.10.7. The Parish Council's response(s) are noted that object 'on principle' because the Site sits outside of the development area. Their response also notes the two new pedestrian links shown on the plan adjacent to the existing play area and skate park and asks whether the adjacent owners have given their permission for these. The proposed footpath connections are shown in the interests of connectivity and good planning, although the proposal is not dependent upon them being brought forward. However, the proposals would permit greater permeability and as such would be valued in planning terms, but it would be for the adjacent third party to permit.
- Note is also made of the Playing Pitch and Outdoor Sports Strategy and Action Plan (July 2022) although there would be other opportunities to locate additional sports provision within the village.
- 7.10.8. The matter of a new footpath to join with Hollins Lane and provide a safe route to school has been raised with the applicant who has investigated the matter. They have confirmed that their engineers found that there was not the space within the confines of the highway and would not be deliverable. The applicant also says: to facilitate a footpath, substantial retaining structures would be required which would damage trees in private ownership. They concluded given the difficulties that they could not provide the footway link and this is therefore not offered by the applicant. It is relevant that the Highway Authority do not object on technical grounds. The Highway Authority have also confirmed that there is no highway need for a new pedestrian footway on Hollins Lane between the application site and St Peter's Drive and it would therefore not be necessary to make the development acceptable in planning terms. Furthermore, they state that delivery of such a footway is exceptionally challenging given the constraints on Hollins Lane, the need to acquire third party land and the likely need for a significant retaining structure, which would make the scheme disproportionately expensive.
- 7.10.9. We have also to consider the appeal decision (Land adjacent to Sandyfields) against ref: 21/02245/OUT (APP/J1860/W/22/3306186) that was Allowed on 26 May 2021. This provides for 52 dwellings and compared with the allocation in the SWDPR (SWDPR 62-New 98) for 71 units and in combination with the proposal's 83 units, the number of units provided at Martley would be an additional 135 units that would be considered as part of the planning balance.
- 7.10.10. The 2021 Census figure for Martley gives 586 households and with the approved re-development of the Crown, this affords 5 dwellings. Based on a figure of 591 units, the 52 units Allowed at Appeal and the current proposals for Hollins Lane seeking 83 dwellings, together (135 units) represents an increase in the number of households at Martley of just short of 22.7%. This compares with the Site Allocation figure of 71 in the SWDPR - an increase of approximately 12% or the 83 units that the current proposal seeks, being an increase of 14.1%.

7.11 Planning Obligations:

Planning obligations secured under Section 106 of the Town and Country Planning Act are required to mitigate the impact of the development and provide the necessary infrastructure provision in accordance with Policy SWDP7 and the Developer Contributions SPD. The Council secures contributions through a combination of the Community Infrastructure Levy (CIL) and Section 106.

Paragraph 57 of the Framework states that planning obligations must only be sought where they meet all of the following tests.

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In this case, there is the requirement to secure relevant contributions that secure:

1. MHDC Affordable Housing:

Social Rented (24 homes) – 8x 1 bed homes, 9 x 2 bed homes, 6x 3 bed homes, 1x 4 bed home

- 2x 1B2P bungalows
- 4 x 1B2P maisonettes
- 2x 1B2P houses
- 2x 2B3P bungalows
- 7x 2B4P houses
- 6x 3B5P houses
- 1x 4B6P house

First Homes (9) – 6x 2 bed homes, 3x 3 bed homes

- 2 x 2B4P (Elm) houses
- 4 x 2B3P (Poplar) houses
- 3x 3B4P (Lime) houses

A financial contribution is also required towards the provision of affordable housing representing 0.2 of a dwelling (£12.797). Therefore, the sum sought = **£2,559**.

2. Worcestershire County Council:

Community Transport - The Applicant should provide the following planning obligations through a suitable legal mechanism. Specific Purpose: To introduce a Community Transport service to cater for the needs of elderly and disabled residents in line with Council's obligations

Contribution: **£13,608**

Trigger: First occupation

Retention Period: Five-years

Education - The Applicant should provide the following planning obligations through a suitable legal mechanism. Specific Purpose: To provide additional educational capacity for early years, primary, secondary and SEND school places.

Contribution: **£210,140**

Trigger: On or before First occupation of one third of dwellings

Retention Period: Five-years.

The contribution rate is applicable from 1st April 2023 to 31st March 2024. If a planning decision is not reached within the current financial year it may be necessary to review the level of charges.

3. MHDC Community Infrastructure:

Public Open Space Contributions. The response given by MHDC Community Infrastructure relates to the original proposal for 85 dwellings, whereas the sums sought below would need to reflect the reduction in the number of units to 83. Therefore, the figures would be reduced accordingly.

Typology	Total
Amenity and Semi-natural greenspace	£ 4,408.00
Equipped Play Space	£ 6,479.95
Cemetery	£ -
Civic Space	£ 1,102.00
allotment	£ 308.28
land acquisition	£ 8,419.85
Commuted Maintenance Sum	£ 189,323.00
Formal pitches	£ 11,020.95
Built Facilities (SFC)	£ 44,572.00
	*£265,634.03

Herefordshire and Worcestershire ICB -

Based on the reduced number of units on site a developer contribution is required to be £52,800.

Payment should be made before the development commences.

Management and Maintenance of the Public Open Space and to prevent the POS/ Green Infrastructure being sold separately.

4. An indemnity for the Refuse vehicles accessing the site in the event that the internal roads are not adopted by Highways.

CIL Regulations

The above requests comply with Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 204 of the Framework in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

7.12 Human Rights

Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.

The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

All material planning issues raised through the consultation exercise have been considered and it is concluded that by approving this application the council will not detrimentally infringe the human rights of an individual or individuals.

7.13. Concluding Remarks and the Planning Balance:

7.13.1. The Council is currently unable to demonstrate a 5 year housing land supply. As such, the Framework indicates that the policies which are most important for determining the application are deemed to be out-of-date for the purpose of paragraph 11d, also known as the tilted balance. This, in itself, does not determine the weight to be attached to the conflict with any Development Plan policies relevant to the proposal.

- 7.13.2. The proposal would meet the requirements of the development plan in terms of the proportion of Affordable Housing on greenfield land (Policy SWDP15); and is capable of making adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area. The proposal for 83 houses would contribute towards meeting the housing needs of the District and provides for, in combination with the recent appeal decision (21/02245/OUT) of 52 new homes that was Allowed, a not insignificant delivery of new housing in this category 1 rural village when compared to the proposed Site Allocation (the current application site) figure of 71 that is given as 'guidance' in the SWDPR, although this has yet to attract any great weight, and as guidance is capable of having provided for more, which the current proposal does and that would not represent any significant concern. However, we also have the recent appeal decision and the additional 52 homes that come forward that is acknowledged to have brought forward a greater quantum of development in the village. Given the position with the tilted balance and the government's objective of boosting the supply of homes, the contribution to come forward would help towards reducing the shortfall in the District's five-year supply of deliverable housing sites that attracts significant weight, albeit tempered by the resulting overall increase in housing units to that proposed by the SWDPR as well as those previously allowed at appeal.
- 7.13.3. Whilst the proposal would conflict with the Council's spatial development strategy set out in Policy SWDP 2, which places strict limits on development outside development boundaries, in light of the housing supply shortfall and that local services and employment opportunities would be reasonably accessible from the site, limited weight is given to those conflicts.
- 7.13.4. The tilted balance indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.13.5. Paragraph 14 of the Framework indicates that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all 4 of the identified criteria are met. However, in this case, they are not all met, for example the NP became part of the Development Plan more than two years ago.
- 7.13.6. The quantum of development that is brought forward in combination with the recent appeal decision is noted above that taken together presents a large overall increase for Martley. That said, Martley would be viewed with its access to primary and secondary schools to be a particularly suitable location. Finally, it would be difficult to argue that the proposal was premature.
- 7.13.7. In terms of the economic, social and environmental considerations. There would be economic benefits that accrue from the construction of the houses, as well as the economic activities of future occupiers that would be beneficial in support of local services and facilities. While it cannot be guaranteed that the economic benefits of the activities derived from residents would be retained in Martley: Local objectors also observe the loss of facilities, notwithstanding other development that has come forward in the village in the past. The change in working habits – the opportunities to work from home more often, suggests more support for, and a need for local facilities in the future to serve the residential population. Future occupants would be predominantly reliant on the private car to travel, whether to work or to access the weekly shop and other social entertainment needs elsewhere, although the location is favourable in terms of the other facilities described above.
- 7.13.8. Socially the proposal would make a valuable contribution towards the provision of a range of much needed accommodation of different types and tenures, and the affordable dwellings would attract great weight.
- 7.13.9. In environmental terms the two important natural features would be the mature oak trees around which the development is set. A view towards to Nubbins is preserved within the proposed site layout. The development that is alongside the roadside is also a prominent location but on reasonably level ground and adjacent to other development within the development area, and

viewed from the high ground that overlooks the wider area, both distance and the site's overall context albeit abutting the countryside tends to support the location in terms of character and appearance.

7.13.10. The proposals would be seen to integrate effectively with its surroundings, in terms of its form and function and reinforce local distinctiveness that is tempered were the access points along the site's boundary with the sports field blocked, whose permeability would be a positive advantage to the wider community in accessing the village environment more generally. It would be sympathetic to local character. The Landscape and Urban Design Officers are supportive of the proposals.

7.13.11. In this instance, the harm identified to the development strategy and settlement hierarchy policies of the SWDP, as well as the impact upon the character and appearance of the area, would not significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework.

7.13.12. It follows that the proposed development would benefit from the presumption in favour of sustainable development set out in the Framework and reflected in Policy SWDP1. As such, it is considered that the proposed development should be approved.

RECOMMENDATION: Delegate authority to the Director of Planning and Infrastructure to grant planning permission subject to conditions (below) and subject to the applicant entering into a S106 legal agreement to secure the requested contributions as set out in section 7.11 of this Committee Report.

CONDITIONS AND REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans –

- Location Plan MAMF-PL-001 Rev A,
- boundary plan- 004C,
- Affordable Housing -005C,
- Planning layout -002G
- Developable areas -002.1C,
- Context plan -002.2–B,
- Garden sizes-002.3–A,
- Materials plan -003 C,
- Storey heights plan -007 C,
- Adoptions Plan -008 C,
- Car parking and cycle storage plan -009C,
- Car Charging Plan -011 C,
- Refuse Plan -012C,
- Street scenes -070 B
- Hard landscaping MAMF-LA-502C
- Landscaping concept plan BG21.190.BRGR-zz-zz-DR-L-00001 P04
- Engineering layout AAC-5850-RPS-XX-XX-DR-C-100-01 Rev.P02
- Proposed access arrangement CTP-20-240-SK01 G
- Internal visibility splays CTP-20-240-SK03 E
- Swept path analysis – Estate car CTP-20-24-SP01 G
- Swept path analysis – Refuse vehicle CTP-20-24-SP03 E
- Swept path analysis – Fire tender CTP-20-24-SP04 E

- House types: LCH-MAMF with elevations and floor plans for the following:
- Clematis floor plans and elevations rev B
- Poplar rev B
- Elm floor plans rev B, Elm elevations rev C
- Elder elevations rev C
- Elder floor plans
- Elder Elevations Terrace
- Gorse Floor Plans
- Gorse Elevations semi
- Lime floor plans rev B
- Lime elevations semi rev B
- Lime and Poplar elevations rev B
- Juniper floor plans and elevations rev B
- Maple floor plans and elevations rev B
- Cedar floor plans and elevations rev B
- Cedar Dual Aspect elevations rev B
- Poplar (terrace and semi) rev B
- 1B2P Maisonettes floor plans and elevations rev B
- 1B2P Bungalow floor plans and elevations rev B
- Wisteria floor plans and elevations rev B
- 2B4P NDSS M4(2) floor plans rev B
- 2B4P NDSS M4(2) Elevations semi rev B
- 2B4P NDSS M4(2) Elevations Terrace rev B
- 1b2p and 3b5p NDSS Elevations rev B
- 1B2P NDSS M4(2) semi rev B
- 4B6P NDSS M4(2) floor plans rev B
- 4B6P NDSS M4(2) Elevations rev B
- 3B5P NDSS M4(2) Floor Plans rev B
- 3B5P NDSS M4(2) Elevations semi rev B
- Lime rev B
- Ash floor plans and elevations rev B
- Birch floor plans and elevations rev B
- Rowan floor plans and elevations rev B
- Cypress floor plans and elevations rev B
- Double garage elevations and floor plan rev B
- Twin Garage elevations and floor plan rev B
- Single Garage elevations and floor plan rev B
- Substation rev B

Reason: To define the permission.

3. Before the commencement of development hereby permitted, a detailed scheme for the site access works at B4197, shall be submitted to the Local Planning Authority. The development shall not be occupied or brought into use until the submitted scheme, which is broadly in accordance with Proposed Access Arrangements (ref: SK01 Rev G), subject to any necessary changes identified during the detailed design and Road Safety Audit processes, has been agreed in writing by the Local Planning Authority, and has been implemented in full.

Reason: In the interests of achieving safe and suitable highway access for all users in accordance with Policy SWDP 21.

4. The Development hereby permitted shall not be first occupied until details of the proposed vegetation clearance on the existing footpath adjacent to the B4197 to maintain usable width have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in full accordance with the approved details.

Reason: In the interests of safe pedestrian access in accordance with Policy SWDP 21.

5. No dwelling hereby permitted shall be occupied until sheltered and secure cycle parking has

been provided, as shown on drawing Parking and Cycle Storage Plan (ref: MAMF-PL-009 Rev B), in accordance with the standards and dimensions required by Worcestershire County Council's Streetscape Design Guide.

Reason: To comply with the Council's parking standards in accordance with Policy SWDP 21.

6. No dwelling hereby permitted shall be occupied until an electric vehicle charging point for each has been provided. Each charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

7. The area allocated for operative's vehicle parking for the Electrical Substation, as shown on drawing Internal Visibility Splay (ref: SK03 Rev E) and Parking and Cycle Storage Plan (ref: MAMF-PL-009 Rev C), shall be kept clear of obstruction, and retained only for the parking of vehicles in connection with operating and maintaining the Electrical Substation.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

8. No dwelling hereby permitted shall be occupied until the car parking spaces allocated to that property have been provided, as shown on drawing Parking and Cycle Storage Plan (ref: MAMF-PL-009 Rev C), in accordance with the standards and dimensions required by Worcestershire County Council's Streetscape Design Guide. Car parking spaces shall be kept clear of obstruction and retained only for the parking of vehicles in connection with the use of each property as a dwelling house.

Reason: To ensure that satisfactory provision is made for the parking of vehicles in accordance with policy SWDP 21.

9. The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following: -

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway.
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc).
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety in accordance with Policy SWDP 21.

10. Before the development hereby permitted is first occupied full particulars to detail the finishes of the footpath link adjoining Hollins Lane shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out on site as part of the development. Such details shall show the engineering levels changes and surface finish to provide for all users with a disability across a sufficient length to access the roadside.

Reason: To be inclusive and to encourage the use of the footpath by making it accessible to every-one, further to policy SWDP21.

11. The Development hereby approved shall not be occupied until a Travel Plan in accordance with the County Council guidelines has been submitted to and approved in writing by the Local Planning Authority. This plan will thereafter be implemented, monitored for a minimum of 5 years, and shall be updated in agreement with Worcestershire County Council's Travel Plan Officer and thereafter implemented as updated.

Reason: To promote sustainable access in accordance with Policy SWDP 21.

12. The Development hereby approved shall not be occupied until a Residential Travel Welcome Pack to be provided to each dwelling at the point of occupation, has been submitted to and approved by the Local Planning Authority.

Reason: To promote sustainable access in accordance with policy SWDP 21.

13. The Developer shall employ a suitably qualified lighting engineer to provide an assessment of highway lighting requirements in line with the WCC Street Lighting Design Guide (SLDG). This should be carried out based on a dark baseline (i.e., highway lighting should only be proposed if there is clear requirement to include it). The assessment shall not only cover the development itself but also the proposed junction with the B4197 and its approaches. As part of the requirements within the SLDG we would expect an ecological impact assessment to be carried out by a qualified professional for any public or private lighting proposals.

Should any public or private lighting be proposed the applicant must liaise with WCC's ecologist and the parish council regarding their proposals. Any subsequent lighting design for adoption by WCC must comply with the requirements of the SLDG.

Reason: In the interests of Highways safety in accordance with policy SWDP 21 and SWDP 22.

14. Before the first use/occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscape plan shall reflect the requirements of the BNG plan and shall include the following:

- (i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
- (ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- (iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
- (iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.
- (v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of 15 years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the proposed development does not have an adverse effect on the

character and appearance of the area in accordance with policies SWDP22, SWDP21 and SWDP25 of South Worcestershire Development Plan.

15. No works or development shall take place until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the drainage strategy included on the engineering layout (AAC5850-RPS-cc-cc-RD-C-100-01 P02). The submitted scheme shall give priority to achieving infiltration techniques and the scheme shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To enable the council to retain control and secure an appropriately detailed scheme for the site, in accordance with Policy SWDP 29.

16. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows including details of any easements have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

17. No development shall take place until final design details and any easement requirements for the proposed routes and points of discharge for the restricted surface water discharge from the site to the existing Highway Drain have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before any dwelling hereby approved is first occupied.

Reason: To ensure that the development is properly drained, avoiding flood risk and pollution in accordance with Policies SWDP 28, SWDP 29 and SWDP 31.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy SWDP 31.

19. No development shall take place (including any ground works, demolition or clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be informed by updated ecological survey and include the following:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of "biodiversity protection zones";
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and SWDP Policy 22.

20. Prior to the commencement of development hereby approved a landscape and ecological management plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The content of the LEMP shall be guided by the requirement to achieve the Biodiversity Net Gain scheme approved under condition 22 above and maintain this after implementation, and shall include the following:

- a. Description and evaluation of the features to be managed;
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management;
- d. Appropriate management options for achieving aims and objectives;
- e. Prescriptions for management actions;
- f. Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
- g. Details of the body or organisation responsible for implementation of the plan;

h. On-going monitoring, timescales and remedial measures and their triggers.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP will be implemented in accordance with the approved details.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site, and to ensure the proposal harmonises with the surroundings in accordance with policies SWDP21, SWDP22 and SWDP25.

21. A lighting design strategy for biodiversity to ensure that the development, both during construction and once operational, does not cause harm to nocturnal wildlife using the site, and commuting to and from other habitats shall be submitted and agreed in writing by the LPA and shall:

a) identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area in accordance with policy SWDP22 of the South Worcestershire Development Plan and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

22. No development shall take place until an Ecological Design Strategy (EDS) has been submitted to and approved in writing by the local planning authority. The strategy shall be informed by updated ecological survey and shall include the following:

- a. Purpose and conservation objectives for the proposed works;
- b. Review of site potential and constraints;
- c. Detailed designs and working methods to achieve stated objectives (including, where relevant, type and source of materials to be used);
- d. Extent and location of proposed works shown on appropriate scale maps and plans;
- e. Timetable for implementation, demonstrating that works are aligned with the proposed phasing of development;
- f. Persons responsible for implementing the works;
- g. Initial aftercare;
- h. Details for monitoring and remedial measures;
- i. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features be retained in that manner thereafter.

On completion of the ecological mitigation and enhancement works, a statement of compliance

shall be submitted to the local planning authority by the Ecological Clerk of Works confirming that specified and consented measures have been implemented.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 and SWDP Policy 22.

23. No development shall take place until a Biodiversity Net Gain Plan for the development site has been submitted to and approved in writing by the local planning authority. shall be in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021 or any updated edition) and use the most current version of the Biodiversity Metric Calculation Tool (DEFRA 4.0 or any successor). The content of the Biodiversity Net Gain report should include the following:

- a) Updated baseline data collection and assessment of current conditions on site including a Habitat Baseline Plan
- b) A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity
- c) Provision of the full BNG calculations, with detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity, and ecological functionality
- d) Design details which must be supported by a Proposed Habitats Plan
- e) Details of the implementation measures and management of proposals, and
- f) Details of the monitoring and auditing measures.

The Biodiversity Net Gain Plan shall be implemented in accordance with the approved details and all features be retained in that manner thereafter.

On completion of the ecological mitigation and enhancement works, a statement of compliance shall be submitted to the local planning authority by the Ecological Clerk of Works confirming that specified and consented measures have been implemented.

Reason: To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with SWDP 22 and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.

24. Prior to the first use/occupation of the development hereby permitted, unless an alternative scheme is first submitted to and agreed in writing with the Local Planning Authority, the details set out in the submitted Water Management Statement, or any alternative approved by the Local Planning Authority, shall be fully implemented and remain thereafter.

Reason: To ensure that an appropriate sustainable drainage system is provided to serve the development in accordance with policy SWDP29 of the South Worcestershire Development Plan 2016.

25. Ground works/ construction work shall not take place outside the following hours:

- a. Monday to Friday - 07.30-18.00 hrs
- b. Saturdays - 08.00-13.00 hrs.
- c. There shall be no such work on Sundays or Public Holidays.

Reason: To protect the residential amenities of the area in accordance with Policy SWDP 21.

26. Prior to the first occupation of any of the dwellings hereby approved, details of superfast broadband facilities or alternative solutions to serve the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.

Reason: To ensure the proposal incorporates satisfactory telecommunication facilities in line

with policy SWDP26

27. Prior to the commencement of development, details of tree protection measures (tree protection plan) and an Arboricultural Method Statement relating to all retained trees on or adjoining the site shall be drafted so as to conform to British Standard BS 5837:2012 (Trees in Relation to design, Demolition and Construction) shall be submitted to and approved by the Local Planning Authority.

Before development of any type commences, including site clearance, materials delivery, vehicular movement and erection of site huts, the approved tree protection measures will be implemented. The approved tree protection measures shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority.

Upon implementation of this planning permission, the measures as specified within the agreed scheme of tree planting, the Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety for the duration of construction, inclusive of any landscaping measures.

Reason: To prevent existing trees/ hedges from being damaged during construction work and to preserve the amenities of the locality. This is in accordance with policies SWDP21 and SWDP25 of the South Worcestershire Development Plan.

28. Prior to the commencement of development, details of refuse storage facilities to serve the development and/or each of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse storage facilities shall be implemented prior to the first occupation of the associated development and/or building(s) and retained thereafter.

Reason: To ensure adequate refuse storage facilities are incorporated in the development and/or ensure high quality design in accordance with policies SWDP21 and SWDP 33 of the South Worcestershire Development Plan.

29. The construction work on the buildings hereby approved shall not be commenced until the precise floor slab levels of each new building, relative to the existing development on the boundary of the application site have been submitted to and approved in writing by the local planning authority. Thereafter the new buildings shall be constructed at the approved floor slab levels.

Reason: To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

30. Before the commencement of development hereby permitted, details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:

- the overall predicted energy requirements of the approved development;
- the predicted energy generation from the proposed renewable/low carbon energy measures; and
- an implementation timetable for the proposed measures.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources in accordance with policy SWDP27 of the South Worcestershire Development Plan.

31. No works shall commence until the applicant's nominated contractor has discussed the

works with the Council's Tree Officer. Contact should be made with the Council no later than 7 days before works are to be carried out on the site.

Reason: To ensure that measures are in place to safeguard trees on site during the development phase.